

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUIDO GINOCHIO,

Plaintiff,

v.

ANDRE, Warden,

Defendants.

No. 2:24-cv-1731 DAD CSK P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights case. On June 6, 2025, plaintiff filed a letter claiming that he “had a case that was supposed to be withdrawn or discontinued, but wasn’t.” (ECF No. 11.) Plaintiff states he has been charged 20% of the money in his trust account, and seeks return of the money, as well as an order stopping future withdrawals from his account. Plaintiff states his case numbers changed, which might be the mix up.

This case was initiated in the Fresno division of this court, assigned Case No. 1:24-cv-0703 BAM, and was then transferred to the Sacramento division and assigned Case No. 2:24-cv-1731 CSK P. (ECF No. 3.) The Court reviewed the dockets for both cases, and plaintiff was not charged the filing fee for the case filed in Fresno; he was only charged for filing the case in Sacramento. (ECF Nos. 7, 8.) As plaintiff was advised on April 8, 2025, he is required to pay the statutory filing fee of \$350.00 for filing this action. 28 U.S.C. §§ 1914(a), 1915(b)(1). Even if plaintiff voluntarily dismisses this action, he is required to pay the filing fee. Id.

1 On May 29, 2025, the Court recommended that this action be dismissed based on
2 plaintiff's failure to file an amended complaint pursuant to the April 8, 2025 order. (ECF No.
3 10.) Because the basis of plaintiff's request to withdraw this case was based on his mistaken
4 belief that he would be refunded the Court's filing fee, the Court will not dismiss this action.
5 Instead, plaintiff is granted an additional fourteen days in which to file objections to the findings
6 and recommendations, or he may renew his request to voluntarily dismiss this action. But his
7 request to reimburse the filing fee already paid, or to stop future withdrawals for payment of the
8 balance of the Court's filing fee, is denied.

9 Therefore, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's request to withdraw this case (ECF No. 11) is denied without prejudice.
- 11 2. Plaintiff's request to refund the Court's filing fee and to stop future withdrawals for
12 payment of the balance of the Court's filing fee (ECF No. 11) is denied.
- 13 3. Plaintiff is granted fourteen days to file objections to the findings and
14 recommendations (ECF No. 10) or to renew his request to voluntarily dismiss this action.

15
16 Dated: June 11, 2025

17 
18 CHI SOO KIM
19 UNITED STATES MAGISTRATE JUDGE

20 /l/gino1731.wd
21
22
23
24
25
26
27
28